



*Republic of the Marshall Islands*  
**Office of the Public Service Commission**

PO Box 90 ~ Majuro, MH 96960 ~ Marshall Islands  
Phone: 692.625.8298 ~ 692.625.8498 ~ Fax: 692.625.3382 ~ Email: pscmi@ntamar.net


27<sup>th</sup> June 2018

**MEMORANDUM**

To: Heads of Ministries and Agencies  
From: Public Service Commission  
Re: Public Service Instructions

Attached for your attention and action are the PSC Instructions approved to amend certain provisions in the existing PSC Regulation. Should you have further questions regarding the Instructions, please do not hesitate to contact the Office. Kommool.

Signed,



06/27/2018

Richard A. Bruce  
Secretary, PSA

Cc: Chairman and Members of the Commission  
Chief Secretary  
File

Attachments: (1) PSC Instructions: 2017-001, 002, 003, 004, 005, 006, 007 & 008



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**PSC Instruction 2017/001**

The instruction is put forth and into effect to amend PSC Regulation 32(3)(a)(i)(e) that shall now read as follows:

(3) Payment of increment:

(a) The Public Service Commission may approve for each employee the payment of the next increment step in the grade assigned to the position if:

(i) the employee has spent two (2) years of satisfactory services on the present incremental step;

(e) The Commission may approve, on the recommendation of the head of the department, payment of next incremental step sooner than two (2) years but not sooner than one (1) year, if the head of the department certifies that the employee is displaying exceptional performance ability and the Commission in its judgment agrees on it.

\_\_\_\_\_  
Donald F. Capelle  
Chairman

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Jiba B. Kabua  
Commissioner

\_\_\_\_\_  
Justina R. Langidrik  
Commissioner



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**PSC Instruction 2017/002**

The instruction is put forth and into effect to amend section 3 and add a new section 5 to PSC Regulation 73, that shall now read as follows:

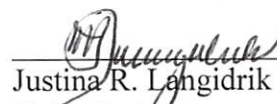
**PART VIII – APPEALS**

**73. Rights of appeal**

- (1) Every officer shall have a right of appeal in accordance with this regulation to an Appeals Committee –
  - (a) Against any determination of the Commission to appoint any person other than an employee, or to promote any employee, to a position on the permanent staff with a higher maximum salary than that of the appellant; or
  - (b) Against a decision of the Commission made under regulation 69 of these regulations that a complaint is established; or
  - (c) Against a decision of the Commission or head of ministry under regulation 71.
- (2) Notwithstanding sub-clause (1) of this regulation, no appeal shall lie against any determination of the Commission specified in paragraph (a) of that subclause if –
  - (a) the appellant is prohibited under Regulation 33 of these regulations from proceeding to the position of which the determination is made; or
  - (b) when the vacancy has been announced by the Commission, the applicant has not applied for the position in respect of which the determination is made within the time specified in the notification of vacancy.
- (3) Notices of appeal under this regulation shall be forwarded to the Commission in writing within 14 days after the notification of the decision appealed against.
- (4) The Commission shall forward copies of the notice of appeal to the Chairman of the Appeals Committee within one week after the date of receipt of such appeal.
- (5) Upon receipt of the notice of appeal by the Commission or the aggrieved employee, Appeals Committee shall have a total of twenty (20) working days to dispose of the matter and to present its final recommendation to the Commission.

Donald F. Capelle  
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**PUBLIC SERVICE INSTRUCTION**  
**2017/003**

**Revisions to PSC Regulation 21(1) – Probation**

This instruction is hereby issued to amend the PSC Regulation 21(1), which shall now reads as follows:

- (1) Persons appointed to the permanent staff of the Service shall be on probation for such period, not being less than 3 months or more than 6 months, as the Commission determines.

\_\_\_\_\_  
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**PSC Instruction 2017/004**

The instruction is put forth and into effect to amend section 1 and add a new section 2 to the existing ***PSC Regulation 78, Delegation of authority in absence of delegation by Head of Department***, that shall read as follows:

- (1) If a Head of Department is away from his or her post, whether due to traveling or some other reason and has not delegated the duties of the post to another person, the Public Service Commission shall, in consultation with the responsible Minister, delegate the responsibilities of the Head of Department to a competent officer, until such time that the Head returns to his or her post.
- (2) Any Officer serving in such capacity of an Acting or Interim shall not serve more than ninety (90) days unless deemed necessary and authorized by the Commission. Any Officer serving more than ninety (90) days shall receive appropriate compensations and benefits as approved by the Commission.

\_\_\_\_\_  
Donald F. Capelle,  
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**PUBLIC SERVICE INSTRUCTION**  
**2017/005**

**Application of Overtime**

Pursuant to the functions and powers vested in it by the Constitution of the Republic of the Marshall Islands, Article VII, Section 9, and the Public Service Regulation 36(1),(2) "Additional Hours of Duty", the Commission hereby issue Instruction Number 2017/005, to replace PSC Instruction 2010/02 and shall read as follows:

The application of Overtime for Public Service Employee shall be provided under the following conditions:

1. An employee that is required and/or called upon by his/her supervisor to work overtime shall be entitled to a maximum of eight (8) hours at per incident and not to exceed 32 hours per pay period.
2. Notwithstanding section (1) of this instruction, employees at PL 10/1 or \$18,000 per annum and above are allowed maximum of 8 regular excess hours per incident and not to exceed 32 hours per pay period.
3. Overtime compensation shall be given only to the personnel who has successfully worked the required 80 working hours for the given pay period, and whose claimed overtime hours are in excess of the regular 80 working hours.
4. Overtime request shall be accompanied by the following:
  - i. An approved timesheet by the Head of the Ministry;
  - ii. approved Roster or schedules by the relevant unit/division supervisor;
  - iii. Copies of the timecards and timesheet approved by the ministry/agency's timekeeper
  - iv. Signed cover memo from the requesting ministry to the Commission; and
  - v. approval of the Commission
5. Overtime calculation shall be based on number of hours rendered (not to exceed 32 hours per pay period) x hourly rates x 1.5 (time and half)

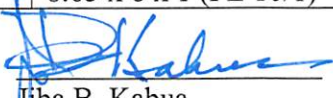
**Eg# 1). Employees with PL 9 and below**

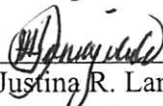
Nos of hrs rendered	Hourly rates x 1.5	Total
8 overtime hours	6.27x 8 x1.5 (PL9/1)	\$75.24

**Eg#2 – Employee with PL 10 and above**

Nos of hrs rendered	Hourly rates @ regular excess hours	Total
8 overtime hours	8.65 x 8 x 1 (PL 10/1)	\$69.20

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**PUBLIC SERVICE INSTRUCTION**  
**2017/006**

**Application of Holiday Pay**

Pursuant to the functions and powers vested in it by the Constitution of the Republic of the Marshall Islands, Article VII, Section 9, the Public Service Regulation 64 "Holidays" (1), and the Public Holiday Act of 1988 Section 906 "Right to open public offices", the Commission hereby issue Instruction Number **2017/006** to add a new section 3, under PSC Regulation 63, Holidays, which shall read as follows:

**Holidays**

- (1) Statutory holidays prescribed by any Act of the Nitijela shall be observed in the Service.
- (2) The Commission may, subject to the approval of Cabinet, prescribe additional holidays to be observed in the Service as "Commission holidays."
- (3) Holiday commences from Midnight of the previous day to the Midnight of the day the holiday falls.
- (4) Public Service Employees who are (1) scheduled to work during the holiday; (2) called upon to work on holiday(s) shall be compensated for hours worked and not to exceed 8 hours per day/incident. Payment of hours rendered shall be based on 2 times the hourly rate of the employee x number of hours rendered during the holiday not to exceed 8 hours.

***Note:** It is incumbent on the supervisors to ensure that no employee is given more than 8 hours of work during holidays.*

**Calculation:**

Hourly rates	Hourly rate x 2	# hrs rendered	Total (hrs rendered x 2 x hrly rate)
\$ 3.50	\$7.00	8	\$56.00

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Chairman, PSC

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**PUBLIC SERVICE INSTRUCTION**  
**2017/07**

**Application of Standby Differential for Ministry of Health & Human Services**

Pursuant to the functions and powers vested in it by the Constitution of the Republic of the Marshall Islands, Article VII, Section 9, and the Public Service Regulation Schedule Six "Night Differential and Standby Differential", the Commission hereby issue Instruction Number 2016/07 as follows:

Due to the unique employment setting of the Ministry of Health that differs from other Ministries, this instruction is instituted to provide consideration for fair compensation for employees that are scheduled for standby at the Ministry of Health and Human Services.

**Standby Differential (SD)**

1. Standby Differential shall be defined as hours scheduled for a Medical Professional, essential, and critical Support personnel(s) on standby and not working. SD shall only be given when a person is on the Standby Roster. An employee could only get a maximum of 32 hours per pay period. SD will be based on 20% of each employee's hourly rates multiply by the hours rendered on Standby, provided that they are on roster.

2. Notwithstanding section 1 of this instruction, employees under the following units are given SD with full eighty hours. This is due to the limitation of staff and skills that are needed to man the units on a 24/7 hourly basis.


- 1) Radiology
- 2) Operating Room
- 3) Laboratory Technologist/Specialist
- 4) Medical Doctors
- 5) Medexes
- 6) Health Assistant – eligible only when they are deployed.

3. Calculation of SD shall be as follows:

**Eg. At PI 9/1 or \$6.27/hr rate**

Hourly rates	16 hrs on Standby	Total
6.27/hr	6.27 x 16 x 20%	\$20.00

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**PUBLIC SERVICE INSTRUCTION**  
**2017/08**

**Application of Night Differential**

Pursuant to the functions and powers vested in it by the Constitution of the Republic of the Marshall Islands, Article VII, Section 9, PSC Acts 1979, PSC Amendment Act of 2017, and the Public Service Regulation Schedule, the Commission hereby issue Instruction Number 2017/08 as follows:

**Night Differential (ND)**

This instruction is instituted to provide fair compensation for employees that are required to work after regular hours or from 8am to 5pm, from Monday through Friday, except on holidays. A Night Differential will be paid to the employee on top on his regular hours. The differential will be based on each employee's hourly rate multiply by 15% multiply by hours rendered during the payroll period.

Eg. # At PL 9/1 or hourly rate = \$6.27/hr

Night Hours rendered	Rate = 6.27 x .15	Total
32	.94	\$30.08

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